

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 2375

FILED

UNITED STATES OF AMERICA,

) Magistrate Case No. 2008 AUG -1 AM 11:03

Plaintiff,

) CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

v.

) COMPLAINT FOR VIOLATION OF

) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

) Transportation of Illegal Aliens CMH DEPUTY

1.) Venancio ROJAS-Pedroza,

2.) Manuel CARRANZA-Soto

) Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)

Defendant(s)

) Bringing in Illegal Aliens Without  
) Presentation

The undersigned complainant, being duly sworn, states:

## COUNT ONE

On or about **July 30, 2008**, within the Southern District of California, defendant **Venancio ROJAS-Pedroza** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Victor ALCARAZ-Duarte** and **German REYES-Calderon**, had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

## COUNT TWO

On or about **July 30, 2008**, within the Southern District of California, defendant **Manuel CARRANZA-Soto**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Victor ALCARAZ-Duarte**, and **German REYES-Calderon**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT
James Trombley  
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1<sup>st</sup> DAY OF AUGUST 2008
  
 Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

CMH  
7/30/08  
KMH

**Venancio ROJAS-Pedroza**  
**Manuel CARRANZA-Soto**

### PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Victor ALCARAZ-Duarte and German REYES-Calderon**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 30, 2008, Border Patrol Agent M. Perez was performing anti-smuggling duties in the S-2/Highway 78 area near the San Diego County/Imperial County line. At approximately 9:10 a.m., Agent Perez observed a green Ford Explorer drive south past the Stage Coach Markey in Shelter Valley, California. Agent Perez observed that the driver was wearing a camouflage shirt, and a camouflage hat. Agent Perez informed the other Agents south of him of his observations. Approximately 15 minutes later, Supervisory Border Patrol Agent A. Velez noticed the same vehicle drive south past his location near mile marker 31. Approximately 15 minutes later, near mile marker 32, Agent Velez observed the same vehicle now driving north. Due to his knowledge of the area, Agent Velez knew there was no destination within driving distance that this vehicle could have reached and then departed from. Suspecting possible illegal activity, Agent Velez informed the Agents near his location about the vehicle and its route of travel.

Border Patrol Agent L. Lopez, located to the north, observed the vehicle approaching his location and he noticed that the vehicle slowed down and slowly moved away from his location on the road. Agent Lopez observed as the vehicle passed his location that the driver was sitting in a straight position gripping the steering wheel with both hands and avoiding eye contact. As the vehicle passed his location, Agent Lopez heard the engine of the vehicle rev up and the vehicle quickly accelerated.

Agent L. Lopez got behind the vehicle and activated his emergency equipment at the intersection of S-2 and Highway 78. The Explorer came to a stop at the stop sign and proceeded westbound on Highway 78. As the vehicle made the left turn, Agent L. Lopez observed the driver of the vehicle place his left arm out the driver's window and begin to wave and motion, showing that he was wearing a Military Style shirt. Suddenly the driver placed his arm back inside the vehicle and quickly accelerated, failing to yield. Agent L. Lopez notified dispatch at 10:00 a.m. that the vehicle was failing to yield and that they were headed westbound on Highway 78.

Agent Perez informed Agent L. Lopez that he would be taking over the vehicle pursuit in a surveillance mode. Agent Perez followed the vehicle as it made a right turn and headed westbound. Agent J. Lopez arrived in the area and assisted Agent Perez with surveillance. At approximately mile marker 3, Agent Perez observed the driver throw his military style hat out his passenger window. The vehicle then entered a number of curves, where Agent Perez lost sight of the vehicle for a brief moment. After exiting the curves onto a straight away, Agent Perez noticed that there were several occupants sitting up in the vehicle. The vehicle then made a right turn onto Highway 78 headed towards Santa Isabel, California. The driver failed to make a stop at the intersection of Wynola Rd and Highway 78. Agent Perez and Agent J. Lopez continued the surveillance on the vehicle when the vehicle suddenly made a left turn onto Old Julian Highway. The vehicle continued westbound for about 3 miles before entering a series of sharp turns, where Agent Perez and Agent J. Lopez lost sight of the vehicle for about 30 seconds. Upon exiting the last curve, Agent Perez observed a large dust cloud.

**CONTINUATION OF COMPLAINT:****Venancio ROJAS-Pedroza****Manuel CARRANZA-Soto**

Agent Perez came to a stop and exited his vehicle to look for the Explorer, as the dust began to settle he noticed the vehicle to his left in a ditch. Agent Perez started to approach the vehicle when he observed several individuals running away from the vehicle. Agent Perez ran up to the vehicle and observed the driver, later identified as defendant **Venancio ROJAS-Pedroza** conscious and moving, but wedged between the driver seat and the roof. Agent Perez shouted to the public standing near the accident to contact EMS and told **ROJAS** to remain calm and that EMS was in route. **ROJAS** eventually moved to the back seat and exited the vehicle out the rear passenger window on his own accord.

Agent J. Lopez was able to apprehend three individuals that had run south away from the vehicle. San Diego County Sheriffs and California Highway Patrol arrived on scene and assisted with traffic, and accident scene investigation. EMS arrived on scene and began to provide medical assistance to the injured aliens. During the triage on the field, one of the individuals later identified as material witness German REYES-Calderon, was being questioned about his biographical information for EMS by Agent L. Lopez when he stated that he was a smuggled alien and that one of the injured was his foot guide. REYES then proceeded to identify one individual later identified as defendant **Manuel CARRANZA-Soto** as his foot guide.

Agent L. Lopez continued to assist EMS with gathering all the biographical information for all subjects, before they were transported to local hospitals. **ROJAS** and **CARRANZA** were airlifted by Mercy Air to Palomar Regional Hospital, REYES and one other individual were transported by ambulance to Sharps Memorial Hospital.

Border Patrol Agent Hays and Agent J. Lopez followed the ambulance to Sharp Memorial Hospital, where **ALCARAZ** and REYES were transported and treated for their injuries. Once discharged from the hospital, Agents Hays and Lopez identified themselves as Border Patrol Agents and questioned both subjects as to their citizenship. Both subjects stated that they are citizens of Mexico and illegally present in the United States. At approximately 2:00 p.m., both individuals were placed under arrest and transported to the Murrieta Border Patrol Station for processing.

Border Patrol Agent Mondragon arrived at Palomar Pomerado Hospital and waited for Mercy Air to arrive. Mercy Air arrived shortly thereafter and Agent Mondragon conducted hospital watch, pending medical clearance. Shortly thereafter, Border Patrol Agent Barrera arrived at the Hospital and assisted Agent Mondragon with hospital watch. **CARRANZA** was discharged and Agent Barrera identified himself as a Border Patrol Agent and performed an immigration inspection on **CARRANZA**. **CARRANZA** stated that he is a citizen of Mexico, illegally present in the United States. At approximately 3:30 p.m., **CARRANZA** was arrested and transported to the Murrieta Station for Processing.

**MATERIAL WITNESSES STATEMENTS:**

Material Witnesses **Victor ALCARAZ-Duarte** and **German REYES-Calderon** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. The two material witnesses stated that they were to pay between \$1,700.00 to \$2,000.00 U.S. dollars to be smuggled to various parts of the United States. The two material witnesses stated that a foot guide led them across the border. When shown a photographic lineup, **ALCARAZ** and REYES were able to identify defendant **Venancio ROJAS-Pedroza** as the driver of the vehicle and were able to identify defendant **Manuel CARRANZA-Soto** as the foot guide.